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Attorney for Defendants, KEYA MORGAN and KEYA GALLERY

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK

| | | |
|-------------------------------|---|---------------------------------|
| PETE LIVINGSTON, |) | No. 07-CV 7835 |
| Plaintiff, |) | DECLARATION OF KEYA MORGAN |
| | | IN SUPPORT OF MOTION TO DISMISS |
| v. |) | |
| KEYA MORGAN and KEYA GALLERY, |) | Submission Date: April 8, 2008 |
| Defendant. |) | Courtroom: 706 |
| | | Hon. Judge Richard Berman |

I, KEYA MORGAN, declare as follows:

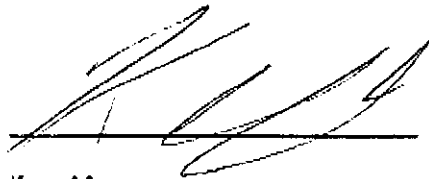
1. My name is KEYA MORGAN, not KEYARASH MAZHARI, or KEYA MAZHARI, as alleged in the complaint. I operate a business known as Keya Gallery. I have personal knowledge of all matters stated herein and, if called as a witness I could competently testify thereto, except as to those matters stated upon information and belief and to those matters I believe them to be true.
2. On May 15, 2003, I won at auction five Contact Sheets, containing 1" x 1" images of Marilyn Monroe from Swan Auction Galleries. I purchased only these five contact sheets, and did not purchase, and therefore did not acquire original photographs or

negatives. Upon winning this item at auction, I was given a receipt from the Auction house. The receipt shows that the cost of the Marilyn Monroe Contact sheets was \$3,800.00 (Exhibit 1).

3. It is impossible that I could have provided the photographs that appeared in the Janet Jackson book "Marilyn Monroe" in 1972 (paragraphs 14 and 15 of the Second Amended Complaint). I was born several years after the publication of that book.

I declare, under penalty of perjury, under the laws of the State of New York, that the foregoing is true and correct.

Executed this 5th day of April, 2008, at New York City, New York



Keya Morgan

EXHIBIT 1

SWANN

AUCTION GALLERIES

104 East 25th Street New York, NY 10010
 Telephone 212 254 4710 Fax 212 979 1017
 www.swanngalleries.com

KEYA GALLERY
 PO BOX 7412
 NEW YORK NY 10116

Bidder #231 Customer #46910
 1971 PHOTOGRAPHIC LITERATURE &
 PHOTOGRAPHS
 Sale Date: 05/15/2003 10:30 AM

Number of Lots: 5
 Invoice # 61235 Date 05/15/2003

| LOT # | DESCRIPTION | PRICE |
|-----------------|--|-----------|
| 181 | (TECHNICAL.) The Photograph and Ambrotype Manual: A Practical Treatise on the Art of Taking Positive and Negative Photographs on Paper | 375.00 |
| 234 | (LINCOLN, ABRAHAM) brady, mathew; gardner, alexander Group of 3 photographs of Lincoln, | 400.00 |
| 321 | CURTIS, EDWARD S. "The Vanishing Race." | 4,000.00 |
| 370 | JACKSON, ROBERT Jack Ruby shooting Lee Harvey Oswald * Portrait of Jack Ruby. Together, 2 photographs, the first by Jackson. | 600.00 |
| 461 | PERUTZ, CARL Group of 5 contact sheets of various portraits of Marilyn Monroe. | 3,800.00 |
| Hammer Total | | 9,175.00 |
| Buyer's Premium | | 1,376.25 |
| TOTAL | | 10,551.25 |

FOR RESALE # NY 33153740

4600
 5951.25